

THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No. 24945 of 2005

Dated: 31 March, 2006

Between:

Ch.Brahmaiah,

S/o. Laxmaiah, Ex-Driver,

Aged about 30 years, Indukurpet (P & M),

Nellore District & another.

.....PETITIONERS

AND

The Regional Manager, APSRTC,

Nellore, Nellore District.

....RESPONDENT

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P. No. 24945 of 2005

ORDER:

This writ petition is filed seeking a direction to the respondent to re-conduct the Driving Test for the post of Driver to the petitioners and appoint them as Drivers with all benefits.

Petitioners were initially appointed as Drivers in the respondent Corporation on 18-6-1996 and 21-9-1996, respectively, and their services were also regularized. Petitioners were removed from service in the year 1996 and 1998 respectively on the allegation that the driving licences, which were produced at the time of appointment, were bogus. The respondents to give an opportunity to the Drivers, who were removed from service on the allegation of production of bogus licence, issued Circular No.43/2000, dated 11-8-2000, for production fresh driving licence, for their continuance, within a stipulated period. In pursuance of the said Circular, the petitioners produced fresh driving licences. The respondents issued notification in the year 2004, calling applications for the post of Drivers in Nellore Region, and in pursuance of the said notification, letters dated 30-12-2004 were addressed by the respondents to the petitioners directing them to produce all necessary certificates including driving licence, which the petitioners did. After verification of all the documents, respondents addressed a letter dated 17-1-2005 to the petitioners to appear before the Regional Manager Officer, Nellore for Driving Test on 18-1-2005.

The petitioners state that even though appeared for the Driving Test on 18-1-2005 and performed well, the respondents excepting them, has issued appointment orders to all others who attended the Driving Test, in the month of April, 2005. Petitioners immediately approached the respondents and requested to issue appointment orders along with others, but were orally informed that they were not selected for they failed in the Driving Test.

It is the grievance of the petitioners that they worked for nearly 3 years in the respondent Corporation without any remark, and after removal also they have been working in the Corporation on hire service, and there is no justification for the respondents to reject their case on the ground that they failed in Driving Test. It is their further grievance that they made representations dated 28-7-2005 to the Regional Manager, Nellore with a request to re-conduct the Driving Test considering their past service and present service, but the respondents have not considered till today. Hence, they seek a direction to the respondents to re-conduct Driving Test to them.

Heard the learned counsel for the petitioners as also the learned Standing Counsel for the respondent Corporation.

According to the own statement of the petitioners, they were informed that they were not selected as they failed in the Driving Test. The petitioners having failed in the Driving Test, cannot expect any appointment orders. Whether or not to conduct Driving Test once again to those who failed in the Driving Test, is for the respondents to consider, but this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot give any direction to the respondents to conduct Driving Test to the petitioners once again. Now that the petitioners are said to have failed in the Driving Test, the only direction that can be given to the respondents is to inform the petitioners as to what marks they scored in the Driving Test, and accordingly, there shall be a direction in that regard.

Writ petition is accordingly disposed of. No costs.

(N.V. RAMANA, J.)

Date:31st March, 2006.

GRK

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.13302 of 2002

Dated:23rd March, 2006